

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Mark A. Hughes,

:

Plaintiff,

:

Case No. 2:10-cv-674

v.

:

JUDGE ECONOMUS

George Lavender, et al.,

:

MAGISTRATE JUDGE KEMP

Defendants.

:

ORDER

On September 16, 2010, the defendants moved for judgment on the pleadings, arguing that the plaintiff did not properly exhaust his administrative remedies as required by the Prison Litigation Reform Act. On October 25, 2010, the Magistrate Judge issued a Report and Recommendation (doc. 19), recommending that the motion be denied because the failure to exhaust was not apparent from the face of the complaint. The defendants did not file objections to the Report and Recommendation. Therefore, the Court ADOPTS the Report and Recommendation. The defendants' motion for judgment on the pleadings (doc. 15) is DENIED.

IT IS SO ORDERED.

/s/PETER C. ECONOMUS-6/22/2011

**Peter C. Economus, Judge
United States District Court**